

IN THE UNITED STATES DISTRICT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
EDWARD W. NAGEL
CLERK OF COURT
2015 OCT 26 PM 1:52

ALASHAE CRAWFORD
2816 Crest Drive
Cincinnati, Ohio 45251

Plaintiff,

vs.

CHIPOTLE MEXICAN GRILL
2552 Cunningham Drive
Cincinnati, Ohio 45241

Defendant

NO. 1:15CV694

Judge J. BECKWITH

M.J. BOWMAN

COMPLAINT AND
JURY DEMAND

I. INTRODUCTION

1. This is an action for race discrimination and retaliation in violation of Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. § 2000e-3 and 42 U.S.C. §1981 and Chapter 4112 of the Ohio Revised Code.

II. JURISDICTION AND VENUE

2. This court has jurisdiction over the matter pursuant to 28 U.S.C § 1331 because there is a federal question. Venue is proper because Defendant does business in this district and all acts complained of occurred in this district.

III. PARTIES

3. Plaintiff is a former employee of Defendant.

4. Defendant was Plaintiff's employer during all times relevant to this action.

IV. FACTS

5. Plaintiff is an African American female and was employed by Defendant from February of 2012 until March 17, 2014. Plaintiff's last position was Service Manager at the restaurant located at 2552 Cunningham Drive in Cincinnati, Ohio.

6. The Store General Manager was Jeysie Torres, who is Hispanic. The Apprentice, or assistant manager, was Osbaldo Amaya, who is also Hispanic.

7. In about February of 2013, Amaya altered the time records of Phillip Shelton, an African American crew member at the restaurant. As a result, Shelton was not paid money he earned. Shelton complained and Torres was ordered to pay Shelton the money that was due. Torres either failed or refused to pay Shelton the amount that was due.

8. A short time before March 17, 2014, Plaintiff complained to Torres that he was discriminating against Phillip Shelton and that Torres needed to stop harassing Shelton.

9. Torres told Plaintiff that the only reason she was defending Shelton was because Plaintiff was black.

10. On March 17, 2014, Torres terminated Plaintiff. The stated reason was that some crew members had allegedly complained about Plaintiff the previous week.

11. Plaintiff had not been given any warnings or discipline prior to her termination.

12. Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) on October 14, 2014. The EEOC issued a notice of right to sue on or after July 28, 2015.

COUNT I
(Retaliation)

13. Plaintiff incorporates Paragraphs 1-12 as if fully restated.

14. Plaintiff engaged in protected conduct by complaining about racial discrimination toward an African American employee. Defendant retaliated against Plaintiff and terminated her shortly after she engaged in protected conduct. The stated reason for Plaintiff's termination is pretextual. Defendant's conduct violated 42 U.S.C. § 2000e-3; 42 U.S.C. § 1981; and O.R.C. § 4112.02(I) and O.R.C. § 4112.99.

COUNT II
(Race Discrimination)

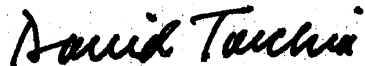
15. Plaintiff incorporates Paragraphs 1-14 as if fully restated.

16. Defendant discriminated against Plaintiff because of her race in violation of Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. § 2000e-2; 42 U.S.C. §1981; and O.R.C. §4112.02(A) and O.R.C. §4112.99. Similarly-situated non-African American employees who engaged in improper conduct, including falsifying time records and theft, were not terminated.

17. As a result Defendant's conduct, Plaintiff has suffered lost income and benefits and such losses are expected to continue. Plaintiff has further suffered emotional distress and mental anxiety.

18. Wherefore, Plaintiff demands the following:
- a. reinstatement or front pay in lieu thereof;
 - b. damages for all lost income and benefits;
 - c. compensatory damages;
 - d. punitive damages;
 - e. reasonable attorneys fees and costs;
 - f. pre-judgment interest; and
 - g. all other legal and equitable relief to which she is entitled.
19. Plaintiff demands a trial by jury an all issues triable by jury.

Respectfully submitted,



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